

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

In Re: JANET L. FERGERSON,

Debtor.

Case No.: 15-30151

Chapter 7

**DEBTOR'S JOINDER TO AND AFFIDAVIT IN SUPPORT OF UNITED STATES
TRUSTEE'S MOTION TO REOPEN CHAPTER 7 BANKRUPTCY CASE PURSUANT
TO 11 U.S.C. § 350(b), RULE 5010 OF THE FEDERAL RULES OF BANKRUPTCY
PROCEDURE AND LOCAL BANKRUPTCY RULE 5010-1**

Janet L. Ferguson, being duly sworn, depose and say as follows:

1. I am the Debtor in the above captioned case.
2. I make this affidavit in support of the United States Trustee's motion to reopen my chapter 7 bankruptcy case [Doc. No.: 26] which I filed on February 10, 2015.
3. At the time my case was filed, my attorney of record was Lindy M. Madill ("Madill"). I paid Madill a total of \$1,300 for legal services and filing fees.
4. The chapter 7 trustee appointed to my case was William J. Leberman ("Trustee Leberman"). Trustee Leberman moved to dismiss my case for my failure to attend a first meeting of creditors pursuant to 11 U.S.C. § 341 of the Bankruptcy Code.
5. It is my understanding that Madill did not oppose Trustee Leberman's motion, and the Court entered an Order dismissing my case on July 10, 2015.
6. I filed for bankruptcy relief following the closure of my flower shop in 2014 and other financial troubles I had causing me to fall behind on my bills. I did not have enough income to continue paying my mortgage so I came to the conclusion that it was best to try to sell my home and move to Georgia to live with my daughter.
7. I sought Madill's advice about the possibility of moving after I filed my bankruptcy papers and she told me not to worry. It was my understanding that my personal

appearance at the § 341 hearing scheduled for March 20, 2015 would not be necessary and that Madill would make arrangements for me to answer Trustee Leberman's questions via written interrogatories.

8. It was solely on the advice of Ms. Madill that I did not attend my § 341 hearing. I had no medical condition or other impediment that would have prevented me from appearing personally. However, after moving to Georgia shortly thereafter, I did not have the financial means to return to the State of New York. I currently reside at: 590 Steele Wood Drive, Richmond Hill, Georgia, 31324.

9. I wish to have my case reopened so that new counsel can be substituted for Ms. Madill, and that the dismissal of my case can be reconsidered. I have retained Attorney Edward Fintel who has agreed to represent me in both the preparation of this Affidavit and should the Court grant the United States Trustee's motion to reopen my case.

10. I am presently 74 years old and my only source of income is social security. I filed my Chapter 7 case in good faith and expected to receive a discharge of my debts. However, Madill failed to inform me of the status of my case even when Trustee Leberman filed a motion to dismiss my case for failure to appear. I have always been prepared to assist with my bankruptcy proceeding, and should not be punished because my prior attorney failed to communicate with me.

Dated: March 1, 2016


Janet L. Fergerson - Debtor

Sworn to before me this 1
day of March, 2016.

